IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1066 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28-04-2004 In W.P.Nos. 29264 of 1997 and 12490 of 1998 on the file of the High Court.)

Between:

1 The Exectutive Engineer (Urban) J.B.S., APSRTC, Secunderabad.
2 The Dy. Executive Engineer(U)-II, APSRTC, JBS, Picket, Secunderabad.

..... APPELLANTS

AND

1 J. Rama Rao, S/o. Raghava Rao,
Nampur Village, Mustabad Mandal, Karimnagar District - 505 404.
2 The Presiding Officer, The Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.K.HARINATH , Advocate.

Counsel for the Respondent No.1:M.Surender Rao, Advocate.

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

-

1. This Writ Appeal has been filed by the APSRTC against the order passed by the learned Single Judge in W.P.Nos.29264 of 1997 and 12490 of 1998.

2. The first respondent was working as Mazdoor in the A.P.State Road Transport Corporation, Secunderabad. He was issued a charge sheet alleging that he failed to carry out the instructions of his supervisor in not delivering all the hundred cement bags in the Depot, Uppal and he failed to unload forty cement bags which were received by him. Thereafter, an enquiry was conducted, ultimately, he was removed from service by order dated 06-07-1995. He rised an Industrial Dispute in I.D.No.96 of 1996 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad.

3. The labour Court after considering the matter interfered with the order of removal passed, by virtue of powers vested under Section 11-A of the Industrial Disputes Act (for short "the Act"). Accoridngly, the Labour Court passed an award on 09-07-1997 directing reinstatement of the employee without any back wages and attendant benefits including the annual increment during the period of suspension till the date of reinstatement. Against the said award, the management carried the matter in writ petition before this Court.

4. The learned single Judge after considering the matter, dismissed the writ petition filed by the management, holding that when once the Labour Court exercised its discretionary power under Section 11-A of the Act, it would not be appropriate for this Court to interfere with the same and accordingly dismissed the Writ Petition by order dated 28-04-2004. Aggrieved by the said order, the present Writ Appeal has

been filed by the APSRTC.

5. The learned Counsel for the management submits that when once charges are proved; it is not appropriate for the Labour Court to interfere with the punishment. Moreover, the learned Single Judge ought to have interfered with the order of the Labour Court, in view of the fact that the charges are relating to serious misconduct.

6. We are afraid, we cannot accept the contention of the learned Counsel for the management. Under Section 11-A of the Act, 'power' is conferred on the Industrial Court to ensure that undue harsh punishment is not imposed and the Court can interfere in appropriate cases. In the instant case, the Tribunal having been found that the punishment is shockingly disproportionate, ordered reinstatement of the first respondent into service without any back wages and also attendant benefits including the annual increments during the period of suspension. In such a situation, we do not find any jurisdictional error in this matter.

7 . Therefore, we do not find any merit in the Writ Appeal and is accordingly dismissed.

-

_____

Date: 16-07-2004 G.BIKSHAPATHY, J.

Jsu/Js

_____

B.SESHASAYANA REDDY, J.

To

1. The Presiding Officer, The Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad

2. Two CCs to the Government Pleader for Labour, High Court Buildings, Hyderabad.(OUT)

3. 2 CD copies